

A N  
A C T  
F O R

Making and Repairing the Road,  
Leading from the Town of *Athy*, in the  
County of *Kildare*, through Part of the  
*Queen's* County, and through the Town  
of *Castlecomer*, in the County of *Kilkenny*,  
to the Town of *Old Leighlin*, in the County  
of *Carlow*, and from thence to and through  
the Town of *Leighlin Bridge*, in the said  
County of *Carlow*.



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Making and Repairing the Road, Leading from the Town of *Athy*, in the County of *Kildare*, through Part of the *Queen's County*, and through the Town of *Castlecomer*, in the County of *Kilkenny*, to the Town of *Old Leighlin*, in the County of *Carlow*, and from thence to and through the Town of *Leighlin Bridge*, in the said County of *Carlow*.

C H A P. XIX.

**W**H E R E A S the High-Way or Road Leading from the Town of *Athy*, in the County of *Kildare*, through Part of the *Queen's County*, and through the Town of *Castlecomer*, in the County of *Kilkenny*, to the Town of *Old Leighlin*,



CHAP. Leighlin, in the County of Carlow, and  
 XIX. from thence to and through the Town  
 of Leighlin Bridge, in the said County of  
 Carlow, by Reason of the several Hollow  
 Ways, and the many and heavy Car-  
 riages frequently passing through the same,  
 are become so Ruinous and Bad, that in  
 the Winter Season many Parts thereof are  
 Impassable for Waggon, Cart, Carr,  
 and Carriages, and very Dangerous for  
 Travellers, and cannot, by the Ordinary  
 Course Appointed by the Laws and Sta-  
 tutes of this Realm, be Effectually A-  
 mended, and Kept in Good and Suffi-  
 cient Repair;

Wherefore, and to the Intent that the  
 said High-Ways and Roads may, with  
 Convenient Speed, be Effectually Amend-  
 ed, and hereafter Kept in Good and Suf-  
 ficient Repair, so that all Persons may  
 Travel through the same with Safety;

Be it Enacted by the King's most Ex-  
 cellent Majesty, by and with the Advice  
 and Consent of the Lords Spiritual and  
 Temporal, and Commons in this Present  
 Parliament Assembled, and by the Authority  
 of the same, That for the better Surveying,  
 Ordering, Amending, and Keeping in Re-  
 pair the said High-Way or Road, It shall  
 be in the Power of the Right Honourable  
 James Earl of Kildare, the Right Honour-  
 able John Lord Viscount Castlecomer, the  
 Right



Right Honourable Edward Earl of Drogheda, the Right Reverend Michael Lord Bishop of Ossory, the Right Honourable Thomas Carter Esquire, the Right Honourable Henry Moore Esquire, commonly called Lord Moore, the Honourable Charles Moore, the Honourable Ponsonby Moore, Sir Kildare Dixon Borrowes Baronet, Sir Richard Butler Baronet, Maurice Keating Esquire, Harvey Morres Esquire, Redmond Morres Esquire, Patrick Wemys Esquire, Jonah Barrington Esquire, James Wemys Esquire, Walter Weldon Esquire, Benjamin Stratford Esquire, Robert Fitzgerald Esquire, George Hartpole Esquire, the Reverend John Enraght Clerk, Richard Meredyth, John Stratford, Esquires, Euseby Stratford Esquire, Benjamin Burton Esquire, Maurice Keating, Junior Esquire, John Baggot Esquire, Robert Harmon Esquire, George Warburton, Esquire, John Bourke Esquire, Thomas Burgh Esquire, Richard Toller Esquire, John St. Leger Esquire, William Annesley Esquire, William-Henry Dawson Esquire, Warner Westenra Esquire, John Parnel Esquire, Hunt Walsh Esquire, Hunt Walsh the Younger Esquire, Arthur Weldon Esquire, Moore Disney Esquire, Francis Lodge Esquire, Theobald Canfield Esquire, Arthur Bush Esquire, John Hobson Esquire, Reverend Arthur Webb Clerk, Robert Hamerton Esquire, Amyas Hewettson Esquire, William Talbot Esquire, William Gun Esquire, James Enraght Esquire, Richard Griffith Esquire, Re-



CHAP. **Reverend William Connel Clerk, Reverend Ro-**  
**XIX. bert Connel Clerk, William Denn Gentleman,**  
 William Wheeler Gentleman, Thomas Bun-  
 bury Esquire, William Bunbury Esquire, Ni-  
 cholas Aylward Esquire, Reverend Anthony  
 Weldon Clerk, Morley Saunders Esquire, Wil-  
 liam Cooper Esquire, Edward Hardmon Es-  
 quire, John Pigott Esquire, Bernard Rudkins  
 Esquire, Joseph Smyth Esquire, William But-  
 ler Esquire, Thomas Weldon Esquire, Re-  
 verend David Price Clerk, Joseph Higginson,  
 Gentleman, John Berry Gentleman, John  
 Bambrick Esquire, John Barrington Esquire,  
 Anthony Gale Esquire, William Cooper Es-  
 quire, Edward Sterling Esquire, Boyle Browne  
 Esquire, Oliver Grace Esquire, Michael Grace  
 Esquire, Colonel Robert Burton, James Ha-  
 milton Esquire, Sir Richard Wolfely Baro-  
 net, Honorable Robert Jocelyn Esquire,  
 Thomas Carter Junior Esquire, the Right  
 Reverend Robert Bishop of Leighlin, Colo-  
 nel John Stewart, William Stewart Esquire,  
 the Reverend Bartholomew Vigors Dean of  
 Leighlin, Christopher Hewetson Esquire, Re-  
 verend Thomas Jenkins Clerk, John Vigors  
 Esquire, John Rochfort Esquire, Robert Roch-  
 fort Esquire, William Carpenter Esquire,  
 Francis Bernard Esquire, Reverend Thomas  
 Bernard, Joseph Bernard Esquire, John Ha-  
 milton Esquire, Thomas Butler Esquire, Cor-  
 net Henry Larive, Luke Mercer Esquire, Wil-  
 liam Brereton Esquire, Reverend George  
 Crump Clerk, Reverend Mr. Robert Pinsent  
 Clerk, Joseph Wills Esquire, George Daker  
 Gentleman,



Gentleman, John Draught Gentleman, An- CHAP.  
 thony Draught Gentleman, Robert Mulligan XIX.  
 Gentleman, Darby Brenan Gentleman, Ed-  
 mond Nolan Gentleman, John Seale Gentle-  
 man, John Wandesford Gentleman, Robert  
 Bradley Gentleman, John Whitehead, Gen-  
 tleman, Henry Whitehead Gentleman, James  
 Mc. Roberts Gentleman, John Higginbottom  
 Gentleman, George Chapman Gentleman,  
 Joshua Johnson Gentleman, Reverend John  
 Baldrick Clerk, George King Gentleman,  
 Charles King Gentleman, and William Crow  
 Gentleman, Who are hereby Nominat-  
 ed and Appointed Trustees of the said  
 Roads, and the Survivors of them, they,  
 or any five or more of them, or such per-  
 son or persons as they, or any five or more  
 of them, shall Authorize and Appoint, shall  
 and may Erect or cause to be Erected, One  
 or more Gate or Gates, Turn-Pike or  
 Turn-Pikes, in, upon or across any Part  
 or Parts of the said High-Ways and  
 Roads, and also a Toll-House or Toll-  
 Houses, and there shall Receive and  
 Take the Tolls and Duties following ;  
 Before any Horse, Mare, Gelding, Cat-  
 tle, Coach, Berlin, Chariot, Calash,  
 Chaife, Chair, Waggon, Wain, Cart,  
 Carr, or other Carriage, shall be per-  
 mitted to Pass through the same, (Viz)  
 for every Coach, Berlin, Chariot, Ca-  
 lash, Chaife, or Chair Drawn by Six  
 Horses, Geldings or Mares, the Sum  
 of One Shilling and Six Pence; and  
 4 M for



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for every Coach, Berlin, Chariot, Calash, Chaise or Chair, Drawn by any lesser Number of Horses, Geldings or Mares than Six, and more than Two, One Shilling; For every Coach, Berlin, Chariot, Calash, Chaise or Chair, Drawn with Two Horses, Geldings or Mares, Six Pence; For every Waggon, Main, or Cart, with four Wheels, the Sum of Ten Shillings; For every Waggon, Main, or Cart with Two Wheels, Drawn by more than Two Horses, Mares, Geldings, or Oxen, the Sum of five Shillings; For every Cart, Waggon, or Carr, Drawn with Two Horses, Geldings or Mares, the Sum of four Shillings; For every Carriage commonly called a Chair or Chaise, with One Horse, Mare or Gelding, the Sum of Three Pence; For every Carr or other Carriage, Drawn but by One Horse, Mare, or Gelding, the Sum of One Penny; Excepting Carts and Horses laden with Turf; For every other Horse, Mare, Gelding, Mule, or Ass, Laden or Unladen, and not Drawing, One Penny; For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score, and so in Proportion for any greater or lesser Number; For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of five Pence per Score, and so in Proportion for any greater or lesser Number; Which said respective Sum



Sum or Sums of Money shall be Demanded, and Taken in the Name of, or as a Toll or Duty; And the Money so to be Raised as aforesaid, is, and shall hereby be Vested in the said Trustees; And the same, and every Part thereof, shall be Paid, Applied and Disposed of, and Assigned, to and for the several Uses, Intents and Purposes, and in such Manner, as is herein after Mentioned and Directed; And the said Trustees, or any five or more of them, are hereby Impowered by themselves, or any Person or Persons by them, or any five or more of them, under their Hands and Seals thereunto Authorized, to Levy the Toll or Duty hereby Required to be Paid upon any Person or Persons, who shall after Demand made thereof, Neglect or Refuse to Pay the same, by Distress of any Horse or Horses, or other Cattle or Goods upon which such Toll or Duty is by this Act Imposed, or upon any of the Goods and Chattels, of such Person or Persons who ought to Pay the same, and may Detain and Keep the same, till such Toll or Duty with the reasonable Charges of such Distraining or Keeping shall be Paid; And it shall and may be Lawful, to and for the Person or Persons so Distraining, after the Space of five Days from the Time such Distress Made and Taken, to Sell the Goods Distrained, Returning the Overplus



CHAP. verplus (if any be) upon Demand to  
 XIX. the Owner thereof, after such Toll, Duty,  
 and Reasonable Charges for Distraining  
 and Keeping the same, shall be Paid.

And be it further Enacted by the Authority aforesaid, That out of the First Money Arising from the Profits of the several Turn-Pikes to be Erected, the said Trustees, or any five or more of them, shall first Pay and Discharge the Expence of Procuring this Act of Parliament, and of Erecting such Turn-Pike or Turn-Pikes, or Building such Toll-House or Toll-Houses, and from and after such Charges and Expences shall be fully Satisfied and Paid, that then and from thenceforth the Profits Arising, and the Toll to be Collected at any Turn-Pike or Turn-Pikes, to be Erected or Set up on the said Road, Leading from the Town of Athy in the County of Kildare, through Part of the Queen's County, and through said Town of Castlecomer in the County of Kilkenny, to the Town of Old Leighlin, in the County of Carlow, and from thence to and through the Town of Leighlin Bridge, in the said County of Carlow, shall be Applied for and towards the Repair of the said Road only, and not elsewhere.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons Whatsoever, Owning, or Renting,  
 or



or Occupying any Land near unto any Turn-Pike to be Erected in Pursuance of this Act, shall, for Gain, Reward, or otherwise, Permit any Person or Persons whatsoever to pass through any Gate, Passage or Way, with any Coach, Berlin, Chariot, Calash, Chaise, or Chair, Waggon, Main, Cart, Carr, or other Carriage, or Riding, or Drawing any Horse, Mule, Ass, or any Sort of Cattle, to Avoid the Payment of the Toll hereby Appointed to be paid, and shall be thereof Convicted, upon the Oath of One or more Witnesses or Witnesses, before the said Trustees, or any five or more of them, or before One or more Justice or Justices of the Peace for the County wherein such Offence or Offences shall be Committed, who are hereby Impowered and Required to Administer such Oath, such Person or Persons shall Forfeit and Pay to the Trustees Authorized to put this Act in Execution, the Sum of Ten Shillings, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any five or more of them, or such Justice or Justices, Rendering the Overplus (if any be) the Charges in Taking and Disposing of the said Goods being first Deducted.

And be it further Enacted by the Authority aforesaid, That it shall and may be



CHAP. be Lawful, to and for the said Trustees,  
XIX. or any five or more of them, to Erect

One or more Gate or Gates, Turn-Pike or Turn-Pikes on the Side of the said High-Ways or Roads, Cross any Lane or Way Leading out of the said Road, and to Build One or more Toll-House or Toll-Houses, and there to Receive and Take such Toll as is Appointed by this Act to be Taken, so as the same do not Extend to a Double Charge in Case of passing the same Day through any of the other Turn-Pikes, to be Erected by Virtue of this Act, from the Tolbn of Athy, in the County of Kildare, through Part of the Queen's County, and through the Tolbn of Castlecomer, in the County of Kilkenny, and through the said Tolbn of Old Leighlin, in the County of Carlow, to and through the Tolbn of Leighlin Bridge, in the said County of Carlow.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any five or more of them, at their first Meeting, or any Succeeding Meeting, by Writing under their Hands and Seals, shall and may Elect, Nominate, and Appoint One or more fit Person or Persons to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty, as shall be Due and Payable by Virtue of this Act, and also One or more fit Person or Persons to be Sur-  
veyors



veyor or Surveyors to see the Condition of the said High-Way or Road, and to see that the same be Repaired and Amended, and that the Money Arising and Expended by Virtue of this Act be duly Applied, and from Time to Time to Remove such Collectors, Receivers, and Surveyors, or any or either of them, as they shall see Occasion, and Appoint New Ones in Case of Death, or of such Removal; And such Person or Persons as is or are Liable by this Act to Pay the said Toll or Duty is, and are hereby Required to Pay the same, after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, in that Behalf, from Time to Time, Appointed as aforesaid, for the Receiving the said Toll or Duty, and such Surveyor or Surveyors, as aforesaid, shall, upon Oath, by the Trustees, or any five or more of them, or before One or more Justice or Justices of the Peace, Residing near the High-Way or Road aforesaid, which Oath such Trustees, or any five or more of them, or such Justice or Justices is, and are hereby Impowered and Required to Administer, on the first Tuesday in every Month, or oftener, if Required, during the Continuance of this Act, give in a True, Exact, and Perfect Account, in Writing, under their respective Hands, of all Money which he and they, and every,



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or any of them, or any Person Employed by them or any of them, shall to such Time have Received, Paid, and Disbursed, by Virtue of this Act, by Reason of their respective Offices, for which Oath no Fee or Reward shall be taken, and in Case any Money, so Received, shall Remain in their, or any of their Hands, the same shall be Paid to the said Trustees, or any five or more of them, or to such Person or Persons as the said Trustees, or any five or more of them, shall by any Writing or Writings, under their Hands and Seals, Authorize and Impower to Receive the same, which shall be Disbursed and Laid out in Amending the said High-Ways or Roads, according to the true Intent and Meaning of this Act, and not otherwise; And the said Trustees, or any five or more of them, to whom such Account shall be Given, shall, and may out of the Money arising by the said Toll or Duty, make such Allowance to the said Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, for, and in Consideration of his and their Care and Pains, respectively Taken in the Execution of his, and their Office and Offices, and to such or other Person or Persons who have been, or shall be Assisting in and about Procuring the said High-Ways and Roads to be Amended and Repaired, by Advancing and Laying out any Money, or otherwise Relating



lating thereunto, as to them shall seem good, so as such Allowance or Allowances to such Collector or Collectors do not Annually exceed Twenty Pounds, and to such Surveyor or Surveyors any Sum not exceeding Two Shillings a Day, during such Time or Times as he or they shall be respectively Employed in the Repair of the said Roads, and so as such Allowance or Allowances, to any other Person or Persons, who shall be Employed by Virtue of this Act, does not Exceed the Sum of Fifteen Pounds Yearly to each Person; And in Case the said Receiver or Receivers, Collector or Collectors of the aforesaid Toll or Duty, or any of them, shall not make such Account and Payment, unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any five or more of them, as aforesaid, that then the said Justices of the Peace, at any Special Sessions or Meeting of them, to be holden for the County in which the said Receiver or Receivers, Collector or Collectors, have Acted or been Employed, and made such Default as aforesaid, shall, and are hereby Required and Impowered to make Enquiry, and Finally to Determine of and Concerning such Default, as well by the Confession of the said Parties themselves, as by the Testimony of One or more Credible Witnesses or Witnesses, upon Oath, which



CHAP. Which Oath they are hereby Impowdered  
 XIX. and Required to Administer Without Fee  
 or Reward, and if any Person or Persons  
 shall be Convicted thereof, by such Justices, the said Justices shall, upon such Conviction, Commit the Party or Parties to the Common Goal of the County where such Offence shall be Committed, there to Remain, Without Bail or Mainprize, until he or they shall have made a True and Perfect Account and Payment as aforesaid.

And be it Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Surbeyor or Surbeyors, and such Person or Persons, as he, or they shall Appoint to Dig, Raile, Gather, Take and Carry away, any Gravel, Furze, Sand, Stones or other Materials, out of any Waste or Common of any Parish, Town, Village or Hamlet, in, or near which any Foundrous or Ruinous Places of the said High-Ways or Roads do lie, and for Want of sufficient Gravel, Furze, Sand, Stones or other Materials, there to Dig, Gather, Raile, Take and Carry away the same, out of any Waste or any Common of any Neighbouring Parish, Town, Village or Hamlet, without Paying any Thing for the same; And where there is not sufficient of any such Materials in any Common or Waste Ground near Adjoining, it



it shall and may be Lawful for them, by Order of the said Trustees, or any Five or more of them, to Dig, Raile. and Gather the same, in the several Grounds of any Person or Persons, not being a Garden, Orchard, Pard or Meadow, planted Walk, or Walks, or Avenue to a House, where any such Materials are, or may be found, and from Time to Time to Carry away such, and so much thereof, as the said Surveyor or Surveyors shall Adjudge Necessary for the Repairing and Amending the said High-Ways or Roads, Paying such Rates for such Materials to the Owner or Occupier of the Ground, from whence the same shall be Digged, Railed, Gathered and Carried away, as the Trustees Appointed, or to be Appointed, to put this Act in Execution, or any Five or more of them, shall Adjudge Reasonable; And in Case of any Difference between such Owner or Occupier, and the said Trustees touching the Value of the Materials and the Damage aforesaid, the Judges of Assize, at the next General Assizes, and General Goal Delivery, to be holden in the County, where such Materials shall be Digged, Railed, or Gathered, and from whence the same shall be Carried away, may and shall Adjudge, Assess, and finally Determine the same.



And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall Appoint from Time to Time, to Remove and Prevent Annoyances on any Part of the said High-Ways or Roads hereby intended to be Repaired, by Filth, Dung, Ashes, Rubbish, Water-Courses, Sinks, or Drains Running into the said High-Ways or Roads, and to Cleanse any Ditch or Water-Course Adjoining to the said Roads, and to Cut down, Lop, or Top any Trees or Bushes Growing in the said High-Ways, or in the Hedges or Banks Adjacent to the said High-Ways, and to Take and Carry away the same, the Owner or Occupier Neglecting to Cut down such Trees or Bushes, or to Remove such other Annoyances for the Space of Ten Days, after Notice in Writing given for that Purpose, under the Hands of five of the said Trustees, the Charges whereof shall be Reimbursed the said Surveyor or Surveyors, by such Owners or Occupiers Neglecting to Cut down the said Trees or Bushes, or to Remove such other Annoyances as aforesaid; And if after Removal of any such Annoyances, any Person or Persons shall again Offend in like Kind, every such Person or Persons so Offending, and being thereof Convicted, upon the Oath of One or more Witnesses



or Witnesses, before One or more Justice or Justices of the Peace for the said County where such Offences shall be Committed, shall, for every such Offence, Forfeit and Pay unto the said Trustees where such Offence shall be Committed, Ten Shillings, to be Levied in Manner aforesaid.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any five or more of them, to Make, or Cause to be Made, Causeways, and to Cut and Make Drains through any Grounds lying Contiguous to the said Roads, and to Erect Arches of Brick, Timber or Stone, thereupon, and also to Widen any of the Narrow Parts of the said Highways or Roads, by Opening, Clearing, and Laying into the said Highways or Roads, any Ground of any Person or Persons lying Contiguous to such Highways or Roads, not being a House, Garden, Orchard, Planted Walk, or Avenue to a House, and also to Cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any five or more of them, shall Adjudge Necessary for the better Amending, and Keeping the said Highways or Roads in good Repair, making



CHAP. such Reasonable Satisfaction to the Owner  
 XIX. or Occupier of such Ground which shall  
 be so Laid in or unto the said High-  
 Ways or Roads, through which any such  
 Drain or Drains shall be Cut, or on which  
 any such Arch or Arches shall be made,  
 for the Damages which he or they shall  
 or may thereby Sustain, as shall be As-  
 sessed and Judged by the next going  
 Judge or Judges of Assize, or by the Jus-  
 tices of the Peace, or the Major Part of  
 them, at the next General Assizes or Quar-  
 ter Sessions to be holden for the County in  
 which such Ground shall be Laid into the  
 said High-Ways or Roads, and through  
 which any such Drain or Drains, Ditch or  
 Ditches shall be Cut or Made, or on which  
 such Arch or Arches shall be Erected or  
 Made, or such Cause-Ways Made, in  
 Case of any Difference Concerning the  
 same; And if any Owner or Occupier of  
 any Water-Courses, Ditch or Ditches Ad-  
 joining to the said High-Ways or Roads,  
 shall Neglect or Refuse to Scour or Cleanse  
 such Water-Courses, and to make such  
 Ditches so Deep and in such Manner as  
 the Surveyor or Surveyors shall Adjudge  
 Proper and Convenient, after Ten Days  
 Notice shall be given for that Purpose,  
 by such Surveyor or Surveyors, or such  
 Person or Persons as shall be Appointed  
 by him or them, to such Owner or Own-  
 ers, it shall and may be Lawful to and  
 for the Surveyor and Surveyors to Set



Set any Man or Men to Work to Scout or Cleanse, and Make the same, and by Warrant in Writing, under the Hands and Seals of any Five or more of the said Trustees, to Levy the Charge thereof upon the Persons Goods or Estates of the Owner or Owners, Occupier or Occupiers of such Water-Courses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattels, Rendering the Overplus (if any be) to the said Owner or Occupier, after all Charges paid.

And Whereas the said High-Way or Road, Leading from the said Town of Athy in the County of Kildare, through the said Towns of Castlecomer and Old Leighlin to and through the said Town of Leighlin Bridge, may be Considerably Shortened and Made much more Convenient for Travellers, if the same was Carried Streight, and in Direct Line, where the same is now Crooked;

For Remedy whereof, and that all Just and Reasonable Satisfaction may be given for the Land made Use of in Carrying such Road Streight as aforesaid;

Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for the said Trustees, or any Eleven or more of them, to Ascertain, Describe and Set apart, such Part  
4 P 2 and



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XIX.

and Proportion of the Lands Adjoyning, or Contiguous to the said High-Way or Road, or which otherwise Lyes most Convenient for Carrying on and Continuing the said High-Way or Road Streight and in Direct Lines, as they the said Trustees, or any Eleven or more of them, shall Judge Necessary for Carrying the same Streight and in a Direct Line as aforesaid; And the said Trustees, or any Eleven or more of them, are hereby further Authorized and Impow-ered, to Treat and Agree with the Owners and others Interested in the said Ground, to be made Use of in Carrying the said Road Streight as aforesaid, for such Recompence and Satisfaction to be made for the same out of the Tolls and Duties Arising by Virtue of this Act, as the said Trustees, or any Eleven or more of them, shall think fit and reasonable; And in Case any Person or Persons shall Neglect or Refuse to Treat or Agree as aforesaid, or through any Disability by Nonage, Coverture or Special Limitation, in any Settlement or Settlements, or by Reason of any other Impediment cannot, or otherwise holdboever, Refuse to Dispose of their respective Interest in such Land as the said Trustees, or any Eleven or more of them, shall think Convenient, for the Shortening the said Road; In every such Case, the said Trustees, or any eleven or more of them, are hereby Authorized and Impow-ered



ered to Issue forth their Warrant of CHAP.  
 Warrants, to the Sheriff or Sheriffs of XIX.  
 the County wherein such Ground doth  
 lie, to Impannel and Return before the  
 said Trustees, or any Eleven or more of  
 them, at such Time and Place, within  
 the said County, as shall be Appointed  
 in such Warrant or Warrants, a suf-  
 ficient Jury, who upon their Oaths, which  
 said Oaths the said Trustees, or any Ele-  
 ven or more of them, are hereby Impow-  
 ered and Required to Administer, shall  
 Enquire into the true and real Value of  
 such Ground, to be made Use of for the  
 said High-way or Road, and such Ver-  
 dict or Inquisitions as shall be so found  
 and returned by the said Jury, Ascertain-  
 ing the Value of such Ground, shall  
 be Final and Conclusiue, as well to the  
 said Trustees, as to the several and re-  
 spective Owners and Proprietors of such  
 Grounds, notwithstanding any Disability  
 or Incapacity whatsoever.

And for as much as the Money to  
 be Collected by such Receipt of the said  
 Toll, will not be at present Sufficient for  
 the Speedy Repairing of the said High-  
 ways or Roads;

Be it further Enacted by the Authority  
 aforesaid, That the said Trustees, or any  
 Fifteen or more of them, shall and may,  
 and are hereby Impowered, from Time to



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Time, by writing under their respective Hands and Seals, to Assign over the said Separate Toll or Duty hereby granted, or any Part thereof, the Costs and Charges whereof to be Borne and Paid out of such Separate Toll or Duty, for any Term or Time during the Continuance of this Act, as a Security for any Sum or Sums of Money by them to be Borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall Advance and Lend the same, to Secure the Re-payment thereof, with Lawful Interest, or Less, if the same can be so had, which said Money Borrowed, shall be Applied and Disposed of as the Toll or Duty is, by this Act, to be Applied and Disposed of, and to no other Use or Purpose whatsoever.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the said Trustees, or any five or more of them, from Time to Time, during the Continuance of this present Act, to make out Warrants or Orders in Writing, under their Hands, Directed to the Treasurer or Receiver of the said Tolls, Requiring him to Pay thereout to the Person or Persons Named in such Warrant or Order, their Executors, Administrators, or Assigns, the growing Interest of the Sum of Money mentioned in such Warrant or Order, as the same shall, from Time to Time, be-  
come



come Due, until such Time as the Principal Sum mentioned in such Warrant or Order shall be paid off and Discharged at One intire Payment. CHAP. XIX.

Provided that no Warrant or Order to be Issued to the said Treasurer or Receiver, by Virtue of this Act, shall be for any greater Sum than Fifty Pounds.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons to whom such Warrants or Orders shall be given, his, her, or their Executors or Administrators may, by Endorsements on such Orders or Receipts, Transfer the Right and Benefit of the Sum mentioned in such Warrants or Orders, which Endorsements, upon Notice to the Treasurer or Receiver of the said Tolls, and an Entry or Memorial thereof made, in a Book to be kept for that purpose, which the said Treasurer or Receiver shall, upon Request, without Charge, Fee, or Reward, make accordingly, and shall, upon the like Request, Permit to be Viewed, at Reasonable Hours, without Fee or Reward, shall Intitle the Indorsee or Assignee, his or her Executors, Administrators, or Assigns, to the Sole Benefit of the Sum so Transferred or Assigned, and that the said Warrant or Order may, in like Manner, be Assigned or Transferred by such Assignee, his or her Executors or Administrators,



CHAP. XIX. **n**istators, and so toties quoties; And that after such Assignment, it shall not be in the Power of the Person or Persons who made such Assignment, to make Void, Release, or Discharge the said Assignment, or the Sum thereby Transferred or Assigned, or any Part thereof.

And be it further Enacted by the Authority aforesaid, That the Treasurer or Receiver of the said Tolls shall Arithmetically Number all the Warrants or Orders which shall be Given or Delivered out, in Pursuance of this Act, as they shall be Delivered out, Commencing by Number One, and so Continuing the Numbers till the Whole be Arithmetically Numbered.

And be it further Enacted by the Authority aforesaid, That the several Tolls and Duties hereby made Payable, shall be Applied and Paid to the Discharge of the Interest of so much Money as shall be Borrowed in Pursuance of this Act, and towards Repairing the said Roads, and that all the Surplus of the said Tolls and Duties hereby made Payable, Over and Above what shall be Sufficient to Discharge the said Interest, and Repair the said Roads, shall be Applied in Discharge of the Principal Money so Borrowed, in the Manner hereinafter Mentioned, (viz.) That When and as often as such Surplus,



Surplus, Received by the said Treasurer or Receiver, shall Amount to the Sum of Two hundred Pounds, then the said Treasurer or Receiver shall Cause the Numbers of all the Warrants or Orders, which shall be Issued and Delivered out, in Pursuance of this Act, and the Sum therein Contained to be Written on several Tickets or Pieces of Parchment, and to be Rolled and Solwed up, and put into a Box or Urn, and Well Mixed together, and an Indifferent Person, to be Appointed by the said Trustees, or any five or more of them, shall Publickly, between the Hours of Ten and Twelve in the Forenoon, of a Day to be by the said Treasurer or Receiver, Publickly Advertised in the Dublin Gazette for that Purpose, at least Twenty Days before, at Castlecomer, Athy, or Leighlin Bridge, Draw out of such Box or Urn as many of the said Tickets or Pieces of Parchment, as the Sums therein Contained shall Amount to the said Sum of Two hundred Pounds; And the Person or Persons, the Number of whose Warrants or Orders shall be so Drawn, his, or their Executors, Administrators or Assigns shall, within Twenty Days after the said Warrants or Orders shall be Drawn as aforesaid, be Paid by the said Treasurer or Receiver, the Principal Sums to him or them respectively Due, with the Interest for the same till Paid, and shall, upon Payment thereof, Deliver up his and



their severall and respective Warrants or Orders to the said Treasurer or Receiver to be Cancelled, which he is hereby Required to Cancel accordingly, and the Interest Payable by Virtue of such Warrants or Orders shall Cease from the Expiration of Twenty Days to be Accounted from the Day of Drawing the said Tickets or Pieces of Parchment.

Provided alwayes, That in Case there shall be more than One Gate or Turn-pike, in, cross, or on the Side of the said High-Ways or Roads, between the said Town of Athy, in the County of Kildare, and the said Town of Leighlin Bridge, in the County of Carlow, or between the said Town of Castlecomer and Leighlin Bridge, no Person or Persons having Paid the Toll or Duty at the first Gate or Turn-pike through which such Person or Persons shall Pass, and Producing a Note or Ticket that the said Toll or Duty was Paid (which Note or Ticket the Receiver or Receivers, Collector or Collectors is, and are hereby Required to give Gratis) shall be Liable to Pay any Toll or Duty at any other of the said Gates or Turn-pikes, upon the said High-Way or Road, such Person or Persons Delivering the said Note or Ticket to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty, at the Last Gate or Turn-pike the same Day,  
and



and no Person or Persons having Occasion to Pass the Place or Places where the Toll or Duty is taken, who shall Return the same Day upon, or with the same Horse, Mare, Gelding, Ass, Mule, Cattle, Coach, Chariot, Berlin, Chaise, Chair, Calash, Waggon, Cart, Carr, or other Carriage, shall be Liable or Compellable the same Day, to Pay the said Toll or Duty more than Once on the said Road.

And for the Preventing Frauds and Abuses in the said Toll or Duty; Be it Enacted by the Authority aforesaid, That if any Person or Persons having Paid the Toll or Duty by this Act Granted and made Payable, and having such Note or Ticket, Notes, or Tickets, as is hereby Directed, shall Give or Dispose of the same to any other Person or Persons, in Order to Avoid the Payment of the said Toll or Duty, every such Person Giving, Disposing, or Offering, and the Person Receiving such Note or Ticket, Notes or Tickets, and being thereof Convicted, upon the Oath of One or more Witnesses or Witnesses, before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace for the County, wherein such Offence or Offences shall be Committed, (which Oath the said Trustees, and the said Justice or Justices are hereby Impowered and Required to Administer) shall respectively Forfeit



CHAP. **feit and pay the Sum of Ten Shillings,**  
 XIX. **to be Levied, Recovered and Disposed of**  
 as any other Penalty or Forfeiture is Di-  
 rected to be Levied, Recovered, and Dispo-  
 sed of by this Act.

Provided always, and be it hereby De-  
 clared, That during the Continuance of  
 this Act, all Coaches, and Passengers on  
 Horseback, shall Pass and Repass Toll  
 free, on the Day or Days on which there  
 shall be an Election, for Knight or Knights  
 of the Shire, to Serve in Parliament for  
 the said Counties of Kildare, Queen's  
 County, Kilkenny, and Carlow, or for any  
 Burgesses to Serve in Parliament, for any  
 Boroughs in the said Counties respectively;  
 Any Thing herein contained to the Con-  
 trary notwithstanding.

And be it further Enacted by the Au-  
 thority aforesaid, That the said Trustees,  
 or any fifteen or more of them, may,  
 at any Meeting to be held by them, from  
 Time to Time, as they shall see Conve-  
 nient or Think fit, to Contract with any  
 Person or Persons for the Farming and  
 Letting the Tolls arising by this present  
 Act, for any Sum or Sums, by the Year,  
 to be Paid by Monthly or Quarterly Pay-  
 ments, or oftner, to such Person or Per-  
 sons as shall be Appointed from Time to  
 Time by the said Trustees, or any five  
 or more of them, to Receive such Quar-  
 terly,



terly, or other Payments, as shall be Contracted for, after such Contract or Agreement shall be made; Provided such Term, so to be Granted by them, of the said Toll, shall not exceed the Term of Two Years, at any One Time of Letting or Farming the same, and so toties quoties.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Ten or more of them may, and are hereby Impowered, from Time to Time as they shall See Convenient or Think Fit, to Compound or Agree by the Year or otherwise, with any Person or Persons Using to Travel through the Turn-pike or Turn-pikes to be Erected, with any Milch Cows, Horse, Mare or Gelding, Ass or Mule, or with any Coach, Berlin, Calash, Chaise, Chair, Waggon, Cart, Carr, or any other Carriage, for any Sum or Sums of Money, to be paid Quarterly, from Time to Time after such Agreement shall be Made.

Provided alway, And be it further Enacted by the Authority aforesaid, That no Side-Gate shall be Erected or Set up within Six Miles of the said Colbn of Arhy, and Five Miles of the said Colbn of Leighlin Bridge; And the said Trustees or any Five or more of them, shall be Obligated to Compound and Agree by the Year, if Required, with any Person or Persons



CHAP. Residing within any Parish through  
 XIX. Which the said Turn-Pike Road is to  
 pass, Keeping a Coach, Chaise, or Chair,  
 for any Sum not Exceeding Five Shil-  
 lings, and the Sum of One Shilling  
 with every other Person, Excepting for  
 Carts, Carrs, or other Carriages Laden  
 with Coals, and other Persons Carrying  
 Goods not their own Property for Hire.

Provided also, And be it hereby Declar-  
 ed by the Authority aforesaid, That no  
 Person shall be Charged with any of the  
 Tolls and Duties aforesaid, who shall  
 pass through any of the Turn-Pikes  
 to be Created by this Act, who shall Car-  
 ry any Quantity of Stones, Gravel, or  
 other Materials, for Repairing the said  
 Road, or any of the Roads in the Parish-  
 es in which the same do Lye, or in any  
 of the Neighbouring Parishes; Nor shall  
 any Person or Persons be Chargeable with  
 the said Toll or Duty, for any Carts,  
 Carrs, or Waggon, Loaden with Corn  
 in the Strald only; Nor for any Ploughs,  
 Harrows, or other Implements of Hus-  
 bandry, in Order to the Using or Repair-  
 ing the same, in the several Parishes  
 in which the said High-Ways or Roads,  
 hereby Intended to be Repaired, do Lye;  
 Nor shall any Toll or Duty be Demand-  
 ed or Taken, at any of the Turn-Pike  
 or Turn-pikes to be Created, for any Horse,  
 Mare, or Gelding, or Mule, or other  
 Cattle



Cattle Going to Water, or for any post Horse Carrying the Mail or Packet, or for such Horse as is or shall be Used only to Ride on, by the Owner or Driver of any Waggon, Cart or Carriage, Provided such Horse pass through the said Turn-pike or Turn-pikes, with such Waggon, Cart or Carriage; Nor shall any Toll or Duty be Demanded or Taken for the Horses of Soldiers passing, that are upon their March, or for Waggon, Carts, Carriages, or other Carriages Attending them, or for Horses, Waggon, Carts, Carriages, or other Carriages, Travelling with Magistrates Sent by Passes, or with Prisoners Transmitted from One Part of the Kingdom to another.

And be it further Enacted by the Authority aforesaid, That the Toll or Duty hereby Granted, shall Take Place, and have Continuance from and after the first Day of May, One thousand seven hundred and fifty two, for, and during the Term of Sixty one Years.

Provided nevertheless, That if at any Time before the Expiration of the said Term of Sixty one Years, all parts of the said Roads shall be Sufficiently Amended and Repaired, and so Adjudged by the Majority of Trustees Appointed, or hereafter to be Chosen by Virtue of this Act, by an Adjudication Made, and Repayment



CHAP.  
XIX.

of such Money as shall have been Advanced or Borrowed, with Interest for the same, and the Costs and Charges thereof; The said Tolls and Duties shall Cease and Determine; Any Thing herein Contained to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Road or Roads shall be Repaired from the said Town of Athy, in the County of Kildare, through Part of the Queen's County, and through the Town of Castlecomer, in the County of Kilkeany, to the Town of Old Leighlin, and from thence to and through the Town of Leighlin Bridge, in the County of Carlow.

And be it further Enacted by the Authority aforesaid, That for the Continuing a Sufficient Number of able Persons, to be Trustees for putting in Execution all and every the Powers in this Act Contained, for and During the Continuance thereof, it shall and may be Lawful to and for the said Trustees, or any five or more of them, upon the Death of any of the said Trustees, or their Removal, or Refusing to Act in the said Trust, from Time to Time, and at all Times hereafter, During the Term aforesaid, to Elect, Nominate, and Appoint in the Room of such Trustee or Trustees so Deceased, Removed,

or



or Refusing to Act, any Fit or Able Person or Persons, living in the said Counties of Kildare, Kilkenny, or Carlow, to be Joined with the said Trustees in the Execution of all and every the Power and Powers in them Reposed, by Virtue of this Act, and all and every Person and Persons so to be Chosen Trustee or Trustees, to Join in putting this Act in Execution, as they are herein before Qualified to do, shall and may, and are hereby Impowered to Act, to all Intents and Purposes, in as full, large, and ample Manner as the said Trustees are by this Act Impowered to do, and so toties quoties, as often as Occasion shall require.

And be it further Enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall Meet at Castlecomer, in the County of Kilkenny, on the First Day of May, One thousand seven hundred and fifty two, and the said Trustees shall then Adjourn themselves, and afterwards Meet Alternately at the said Towns of Athy, Castlecomer, and Leighlin Bridge, as often as it shall be Necessary for Putting this Act in Execution;

And if it shall happen that there shall not Appear, at any Meeting that shall be Appointed to be Had or Held by the said Trustees, a sufficient Number of the said Trustees to Act at such Meeting, and to ad-



CHAP. **XIX.** Journ to any other Day, then, and in such Case, the Clerk of the said Trustees, by Notice in Writing, to be Affixed at the respective Gates or Turn-pikes, where such Number of Trustees shall be Wanting, at least Ten Days before the next Meeting, shall Appoint the said Trustees to Meet at the Towns of Athy, Castlecomer, and Leighlin Bridge Alternately, as is herein before Directed and Appointed, on that Day Fortnight; And that the said Trustees at their first Meeting, and at all other subsequent Meetings, shall Defray their own Charges and Expences.

Provided allways, and be it further Enacted by the Authority aforesaid, That no Person or Persons Appointed, or to be Appointed by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or Accept of any Place of Profit Arising out of, or by Reason of the Toll or Duty, by this Act Laid or Granted, but such Person or Persons shall be Incapable from the Time of Accepting and Continuing to Enjoy such Place of Profit, of Acting as a Trustee.

And be it further Enacted by the Authority aforesaid, That no such Trustee or Trustees shall, in his or their own Name, or in the Name or Names of any other Person or Persons, Undertake or Contract for the Repair of the said Roads, or any Part of  
of



of them, whereby any Profit may Arise to him or them, but that from such Time he or they shall Cease to be a Trustee or Trustees; And that any Person or Persons that shall Undertake or Contract for the Repairing, or Amending the said Roads, or any Part of them, shall, if Required, take an Oath before the said Trustees respectively, or any Seven or more of them, which Oath they have hereby Power to Administer, that he or they do Undertake the same for his or their own Use, and not for the Use of, or in Trust for, any such Trustee or Trustees whatsoever.

And be it further Enacted by the Authority aforesaid, That if any Suit shall be Commenced against any Person or Persons for any Thing done in Pursuance of this Act, that in every such Case, the Action shall be Laid in the said Counties of Kildare, Kilkenny, Queen's County, or Carlow, and not elsewhere, and the Defendant or Defendants in such Action or Actions to be brought, may Plead the General Issue, and Give this Act and the Special Matter in Evidence, at any Tryal to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act; And if it shall Appear so to be done, or such Action or Actions shall be brought in any other County, that then the Jury shall find for the Defendant or Defendants,



Defendants, and upon such Verdict, or if the Plaintiff shall be Non-Suited, or Discontinue his Action after the Defendant or Defendants shall have Appeared, or if on any Demurrer Judgment shall be given against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

And be it further Enacted by the Authority aforesaid, That this Act shall be Deemed, Adjudged, and Taken to be a publick Act, and be Judicially taken Notice of as such by any Judges, Justices, and other Persons whatsoever, without Specially Pleading the same.

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